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10/626,683	07/24/2003	David Lawrence	G08.142/U	1051

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EXAMINER	
BASIT, ABDUL	

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/626,683	LAWRENCE, DAVID	
	Examiner	Art Unit	
	ABDUL BASIT	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10 and 12-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-10 and 12-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is a response to Applicant's remarks received on 12/21/2007.

Outline of Response

1. Claims 1-2, 4-10, 12-34 are pending. Applicant has cancelled claims 3 and 11.

2. Applicant argues that claims 1, 33 and 34 are allowable. Each of these claims has been amended to include characteristics that were in claims 3 and 11.

3. Claims 1, 33 and 34 still remain rejected under 35 USC 103. For all the remaining claims, Applicant has provided no specific argument to their allowability other than they should be allowable because claims 1, 33 and 34 are allowable. Since claims 1, 33 and 34 have been rejected, all other claims stand rejected.

4. This is a final action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,2, 13-15, 18-20, 22-23, 25-27, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marc Schniederjans, Strategic Acquisition Management: A Multi-Objective Synergistic Approach, The Journal of the Operational Research Society, Vol. 40, No. 4 (April 1989) in further view of Casino Gambling in New

Jersey - A Report to the National Gambling Impact Study Commission, New Jersey Casino Control Commission, (January 1998) (to be known as NJCCC) in further view of Packwood (US Pat. No. 7,006,992) and in further view of Masch (US Pat. No. 5,930,762)

Regarding claims 1, 33 and 34:

Schniederjans teaches a computer-implemented method for managing risk,, the method comprising:

- Receiving into the computer system data descriptive of informational artifacts with content related to at least one of: reputational risk, legal risk, regulatory risk; and risk related to monetary costs to defend an adverse position and generally related to the Gaming Industry; *(see at least pages 333-336)*
- Receiving data into the computer system data descriptive of a Financial Transaction wherein the data received comprises identification data. *(see at least pages 333-336)*
- Associating at least one informational artifact related to at least one of: reputational risk, legal risk, regulatory risk; and risk related to monetary costs to defend an adverse position. *(see at least pages 333-336)*
- Generating a report comprising data descriptive of the informational artifacts. *(see at least pages 333-336)*

However, NJCCC, not Schniederjans

- Indicating in a computer system that a risk subject is a Gaming Industry entity according to the entity's status comprising at least one of: a provider of gambling

activities; a gambling facility; a gambling facility operator; an employee of a gambling facility operator; and a provider of services outsourced from a gambling facility operator; *(see pages 8-13)*

However, Packwood, not Schniederjans. teaches that for the method of claim 1 further comprises the step of generating a risk quotient comprising a quantitative value of an amount of Risk. *(see column 9 generally)*

Applicant's Argument

Applicant argues that Packwood does not teach generating a risk quotient. The Office disagrees. Quotient is defined as "the magnitude of a specified characteristic or quality." (See Merriam-Webster Online Dictionary, http://www.merriam-webster.com/dictionary/quotient). Therefore, Packwood teaches a risk quotient. Applicant argues Packwood teaches ranges of risk which is not the same as calculating risk. Ranges of risk are a result of a calculation, since a range has to be determined. Masch, not Schniederjans, teaches that for the method of claim 3 wherein calculating the risk quotient criteria comprises a value determined by the steps of:

- Associating a numerical weight with each of a plurality of risk variables; *(see column 20 generally).*
- Associating one or more of the risk variables with the data descriptive of details of a Financial Transaction; *(see column 20 generally).*
- Determining a numerical value based upon the content of the data descriptive of details of a Financial Transaction associated with the one or more risk variables; *(see column 20 generally)* and

- Multiplying the numerical value based upon the content by the numerical weight associated with each of the risk variables associated with the data descriptive of details of a Financial Transaction. *(see column 20 generally).*

Applicant's Argument

Applicant argues that Masch does not teach any of the steps used in calculating the risk quotient criteria. The Office disagrees. Masch describes an invention that deals with managing risk in a system that has multiple parameters. Masch, in column 20, describes several components of the prior art taht are used to develop scenarios dealing with risk. Each of the steps used to calculate a risk quotient are described in column 20. First, Masch teaches associating a numerical weight. *(See column 20, lines 8-10).* Second, Masch also teaches risk variables that are associated with a financial transaction. *(See column 20, lines 5-12 – financial losses – suggests risk variables)* In the "Background of the Invention," Masch states that this invention is used in financial transactions. Third, Masch teaches determining a numerical value. Finally, Masch teaches applying weights *(See column 20, lines 60-65).*

Therefore, it would still have been obvious to one of ordinary skill in the art to modify Schniederjans with NJCCC. Motivation to modify exists because a risk evaluation system that can be used on gambling facilities, allows for an organization to better evaluate investement strategies. The brief article, Retailing: Casino, Cora Create Joint Buying Venture, The Wall Street Journal, (April 20, 1999), shows that Casinos, like any time of business, are acquired and that a system like Schniederjans would be used to

assess a gambling facility. NJCCC shows several pieces of data that are associated with the evaluation of a gambling facility.

It would have also been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Packwood. Motivation to modify exists because a risk quotient with a value helps to determine levels of risk.

It would have also been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Masch. Motivation to modify exists because using weighting helps to provide a more efficient method of determining risk.

Regarding claim 2:

Schniederjans further teaches that for the method of claim 1, the Financial Transaction comprises a financial investment in at least one of: a gambling facility and a gambling facility operator. *(see page 333).*

Regarding claim 14:

NJCC, not Schniederjans, teaches that for the method of claim 1, the data descriptive of informational artifacts comprises data descriptive of a person employed by a Gaming Industry entity. *(see page 8)*

It would have been obvious to one of ordinary skill in the art to modify Schniederjans with NJCCC. Motivation to modify exists because a risk evaluation system that can be used on gambling facilities, allows for an organization to better evaluate investement strategies.

Regarding claim 15:

NJCCC, not Schniederjans, teaches that for the method of claim 1, the data descriptive of informational artifacts comprises data descriptive of at least a portion of one or more of: a federal or state statute a federal or state regulation, the Federal Register, instances of political corruption; a license to permit gambling; a link to organized crime; a money laundering activity; an action taken by a State Gaming Commission; and an action taken by the Judiciary Committee. *(see pages 8-13)*

It would have been obvious to one of ordinary skill in the art to modify Schniederjans with NJCCC. Motivation to modify exists because a risk evaluation system that can be used on gambling facilities, allows for an organization to better evaluate investment strategies.

Regarding claim 18:

NJCCC, not Schniederjans, teaches that for the method of claim 1, the report comprises a record of conviction of an employee or owner of a Gaming Industry facility. *(see pages 8-13)*

It would have been obvious to one of ordinary skill in the art to modify Schniederjans with NJCCC. Motivation to modify exists because a risk evaluation system that can be used on gambling facilities, allows for an organization to better evaluate investment strategies.

Regarding claim 19:

NJCCC, not Schniederjans, teaches that for the method of claim 1, the report comprises data descriptive of at least one of: fines levied against a Gaming Industry facility and complaints filed against the facility. *(see pages 8-13)*

It would have been obvious to one of ordinary skill in the art to modify Schniederjans with NJCCC. Motivation to modify exists because a risk evaluation system that can be used on gambling facilities, allows for an organization to better evaluate investment strategies.

Regarding claim 20:

Schniederjans further teaches that for the method of claim 1, the report comprises one or more sources of the data descriptive of informational artifacts.

Regarding claim 25:

Schniederjans further teaches that for the method of method of claim 1, the data descriptive of informational artifacts is received into a risk management clearinghouse.

Regarding claim 26:

Schniederjans further teaches that for the method of claim 1, the data descriptive of details of a Financial Transaction is received by a proprietary risk management system.

Regarding claim 27:

NJCCC, not Schniederjans, teaches that for the method of claim 1, at least one of: the data descriptive of informational artifacts and the data descriptive of details of a Financial Transaction; comprise data provided by a Gaming Industry facility provider. *(see pages 8-13)*

It would have been obvious to one of ordinary skill in the art to modify Schniederjans with NJCCC. Motivation to modify exists because a risk evaluation system that can be used on gambling facilities, allows for an organization to better evaluate investment strategies.

Regarding claim 13:

Packwood, not Schniederjans. teaches that for the method of claim 3, further comprises the step of generating a suggested action based upon the risk quotient and at least some of the structured data referenced to calculate the risk quotient. *(see column 10, lines 36-41).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Packwood. Motivation to modify exists because a risk quotient with a value helps to determine levels of risk.

Regarding claim 22:

Packwood, not Schniederjans. teaches that for the method of claim 1 additionally comprising the step of transmitting an image of a document comprising data associated with the Financial Transaction. *(see column 10, lines 36-41).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Packwood. Motivation to modify exists because viewing an image helps to better understand the level of risk and the data being used to determine the level of risk.

Regarding claim 23:

Packwood, not Schniederjans. teaches that for the method of method of claim 1, the report does not comprise any content created or developed by a provider of the system implementing the method for managing risk associated with the Gaming Industry. *(see column 10, lines 36-41).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Packwood. Motivation to modify exists because a risk quotient with a value helps to determine levels of risk.

4. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Carreker, "Antinori Forms Risk Management Unit: New Service Helps Banks Identify, Reduce Operations Risk," (Nov. 17, 1997)

Regarding claim 4:

Carreker, not Schniederjans. teaches that for the method of claim 3, the risk quotient comprises an indication of a cost to defend an adverse position. *(see page 1).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Carreker. Motivation to modify exists because the cost of defense of an adverse position helps to better correlate risk.

Regarding claim 5:

Carreker, not Schniederjans. teaches that for the method of claim 3, the risk quotient comprises an indication an amount of reputational risk. *(see page 1).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCC with Carreker. Motivation to modify exists because an indication of an amount of reputational risk helps to better correlate risk.

Regarding claim 6:

Carreker, not Schniederjans. teaches that for the method of claim 3, the risk quotient comprises an indication of an amount of regulatory risk. *(see page 1).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Carreker. Motivation to modify exists because the amount of regulatory risk helps to better correlate risk.

Regarding claim 7:

Carreker, not Schniederjans. teaches that for the method method of claim 3 wherein the risk quotient comprises an indication of an amount of legal risk. *(see page 1).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Carreker. Motivation to modify exists because the amount of legal risk helps to better correlate risk.

Regarding claim 8:

Carreker, not Schniederjans. teaches that for the method of claim 3 wherein the risk quotient comprises an indication of an amount of risk associated with monetary costs related to potential fines. *(see page 1).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Carreker. Motivation to modify exists because the level of risk associated with fines helps to better correlate risk.

5. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCC and in further view of official notice.

Regarding claim 9:

Official notice is given that for the method of claim 1 wherein the data descriptive of informational artifacts comprises data descriptive of one or more world events which is

received via a news feed. An example of official notice is provided with Regulatory Risks, Detroit News (September 20, 1999).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Official Notice. Motivation to modify exists because news feeds are a low cost and reliable method of obtaining information on world events.

Regarding claim 10:

Official notice is given that for the method of claim 1, the data descriptive of informational artifacts comprises at least one government advisory. An example of official notice is provided with Toshio Airtake, Japanese Government Panel recommends new laws to protect personal information, BNA's Banking Report, (December 6, 1999)

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Schniederjans and NJCCC with Official Notice. Motivation to modify exists because a government advisory unit provides reliable information that can be used in a risk evaluation system.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of George Weir's article, "Can Fiduciaries Avoid Liability Under Environmental Law?" (July/August 1992).

Regarding claim 12:

Weir, not Schniederjans, teaches that for the method of claim 1 additionally comprising the steps of presenting the report as evidence of due diligence to at least one of: a regulatory body, a shareholder and a news media.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Weir. Motivation to modify exists because presenting evidence of due diligence helps to avoid legal risks.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Tony Batt, "Indians protest proposed changes in gaming regulations," Las Vegas Review (April 27, 1994)

Regarding claim 16:

Batt, not Schniederjans, teaches that for the method of claim 1 wherein the data descriptive of informational artifacts comprises data descriptive of at least a portion of one or more of: an action taken by the House Government Reform Committee, an action taken by the Senate Governmental Affairs Committee, an action taken by the Senate Select Indian Affairs Committee; an action taken by the U.S. Treasury; and an action taken by the General Accounting Office. *(see page 1).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Batt. Motivation to modify exists because information directly from a primary source such as a congressional committee helps to provide a better assessment of risk.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Axciom®, PerformanceData to

Link List Databases; Agreement Provides Credit Data, Real Property/Demographic Data, PR Newswire, (July 27, 1999)

Regarding claim 17:

Axciom, not Schniederjans, teaches that for the method of claim 1, transmitting the report is conditioned upon receipt of a contractual obligation not to use contents of the report for any purpose covered by the Fair Credit Reporting Act. *(see pages 1-2).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Axciom. Motivation to modify exists because this allows for the system to be compliant with the law.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable in view of Schniederjans in view of NJCCC and in further view of Ralph Vartabedian, US Mounts High-Stakes Computer Reform Effort; Technology: The aim is to reverse decades of failing performance. Experts are encouraged at changes' breadth. Series: Fedearl Computers: Is System Haywire? Last of Three Parts, Los Angeles Times (December 10, 1996)

Regarding claim 21:

Vartabedian, not Schniederjans, teaches that for the method of claim 20 wherein the source comprises an investigation firm. *(see page 1).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Vartabedian. Motivation to modify exists because an investigation type firm can more efficiently search for data and therefore lower overall costs involved in obtaining data for a risk assessment system.

10. Claim 24, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Greco (US Pat. No. 5,809,478).

Regarding claim 24:

Greco, not Schniederjans, teaches that for the method of claim 1 additionally comprises the steps of receiving a request for an alert; monitoring the data descriptive of informational artifacts; and transmitting a notification of new information received. *(see column 9, lines 5-15).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Greco. Motivation to modify exists because an alert helps an user to better evaluate situations that may cause risk when the user is aware of their occurrence.

Regarding claim 28:

Greco, not Schniederjans, teaches that for the method of claim 1 additionally comprising the step of enhancing the data descriptive of informational artifacts. *(see column 8, lines 29-35).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Greco. Motivation to modify exists because enhancing the data can help to improve the data and allow a user to better understand the data.

Regarding claim 29:

Greco, not Schniederjans, teaches that for the method of claim 28 wherein enhancing the data comprises scrubbing. *(see column 8, lines 29-35).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Greco. Motivation to modify exists because scrubbing data helps to reconcile conflicting data.

11. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schniederjans in view of NJCCC and in further view of Beverina (US Pat. No. 7,231,327)

Regarding claim 30:

Beverina, not Schniederjans, teaches that for the method of claim 1 additionally comprising the step of augmenting at least one of: the data descriptive of informational artifacts and the data descriptive of details of a Financial Transaction; via data mining. *(see column 6, lines 55-65).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Beverina. Motivation to modify exists because data mining is an efficient method of finding large amounts of data.

Regarding claim 31:

Beverina, not Schniederjans, teaches that for the method of claim 3 wherein structuring the data descriptive of informational artifacts and the data relating details of the Financial Transaction according to risk quotient criteria comprises processes based upon Boolean logic. *(see column 8, lines 35-40).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Beverina. Motivation to modify exists because Boolean logic is widely understood and allows for greater number of users to understand a risk assessment.

Regarding claim 32:

Beverina, not Schniederjans, teaches that for the method of claim 3 wherein structuring the data descriptive of informational artifacts and the data relating details of the Financial Transaction according to risk quotient criteria comprises relevance ranking. *(see column 36, lines 60-64).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schniederjans and NJCCC with Beverina. Motivation to modify exists because ranking helps a user better determine what risk factors should be focused on.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is (571)272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/aqb/
/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/626,683	LAWRENCE, DAVID	
	Examiner	Art Unit	
	ABDUL BASIT	3694	